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9 *Attorneys for USACM Liquidating Trust*

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:

13 USA Commercial Mortgage Company,

14 USA Capital Realty Advisors, LLC,¹

15 USA Capital Diversified Trust Deed Fund,
16 LLC,

17 USA Capital First Trust Deed Fund, LLC,²

18 USA Securities, LLC,³

19 Debtors.

20 **Affects:**

21 All Debtors
22 USA Commercial Mortgage Company
23 USA Capital Realty Advisors, LLC
24 USA Capital Diversified Trust Deed Fund,
25 LLC
26 USA Capital First Trust Deed Fund, LLC
27 USA Securities, LLC

28 Case No. BK-S-06-10725-LBR¹
29 Case No. BK-S-06-10726-LBR¹
30 Case No. BK-S-06-10727-LBR²
31 Case No. BK-S-06-10728-LBR²
32 Case No. BK-S-06-10729-LBR³

33 **CHAPTER 11**

34 Jointly Administered Under Case No.
35 BK-S-06-10725 LBR

36 **STATUS AND AGENDA FOR
37 SEPTEMBER 23, 2010 HEARING
38 FILED BY USACM LIQUIDATING
39 TRUST**

40 Hearing Date: Sept. 23, 2010
41 Hearing Time: 9:30 a.m.
42 Estimated Time of Hearing: 2 hours

43 ¹ This bankruptcy case was closed on September 23, 2008.

44 ² This bankruptcy case was closed on October 12, 2007.

45 ³ This bankruptcy case was closed on December 21, 2007.

1
2 **1. Omnibus Objection to Claim of in the amount of First Omnibus**
3 **Objection to Proofs of Claim Based Entirely Upon Investment in the Charlevoix**
4 **Homes Loan** 06-10726 lbr USA Commercial Mortgage Company

5
6 **Filed:** First Omnibus Objection to Proofs of Claim Based Entirely Upon
7 8/04/2010 Investment in the Charlevoix Homes Loan [8131]

9
10 **Status** No response filed. The USACM Trust will ask the Court to
11 sustain the objection.

12
13 **2. Second Omnibus Objection to Proofs of Claim Based in Part Upon**
14 **Investment in the Charlevoix Homes Loan:** 06-10725-lbr USA Commercial Mortgage
15 Company

16
17 **Filed:** Second Omnibus Objection to Proofs of Claim Based In Part
18 8/04/2010 Upon Investment in the Charlevoix Homes Loan [8132]

19
20 **Status** No response filed. The USACM Trust will ask the Court to
21 sustain the objection.

22
23 **3. First Omnibus Objection of USACM Trust to Proofs of Claim Based**
24 **Entirely Upon Investment in the Huntsville Loan AKA The West Hills Park Loan:**
25 06-10725-lbr USA Commercial Mortgage Company

26
27 **Filed:** First Omnibus Objection to Proofs of Claim Based Entirely Upon
28 8/17/2010 Investment in the Huntsville Homes Loan [8140]

29
30 **Status** No response filed. The USACM Trust will ask the Court to
31 sustain the objection.

32
33 **4. Second Omnibus Objection of USACM Trust to Proofs of Claim**
34 **Based Entirely Upon Investment in the Huntsville Loan aka The West Hills Park**
35 **Loan:** 06-10725-lbr USA Commercial Mortgage Company

36
37 **Filed:** Second Omnibus Objection of USACM Trust to Proofs of Claim
38 8/17/2010 Based Entirely Upon Investment in the Huntsville Loan aka The
39 West Hills Park Loan [8141]

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41 **Status** No response filed. The USACM Trust will ask the Court to
42 sustain the objection.

**5. Third Omnibus Objection of USACM Trust to Proofs of Claim Based
In Part Upon Investment in the Huntsville Loan aka The West Hills Park Loan: 06-
10725-1br USA Commercial Mortgage Company**

Filed: Third Omnibus Objection of USACM Trust to Proofs of Claim
08/17/2010 Based In PartUpon Investment in the Huntsville Loan aka The
West Hills Park Loan [8142]

Response An Answer was filed by Edward M. Homfeld, Managing Member of Homfeld II, LLC [8172]

Status Counsel for the Trustee has conferred with Mr. Homfeld. No others responses were received. Counsel will ask that the objection be sustained except as to Homfeld II, LLC and that the claim for Homfeld II go through the required ADR process before the Court sets a hearing date.

**6. Fourth Omnibus Objection of USACM Trust to Proofs of Claim
Based In Part Upon Investment in the Huntsville Loan aka The West Hills Park
Loan: 06-10725-lbr USA Commercial Mortgage Company**

Filed: Fourth Omnibus Objection of USACM Trust to Proofs of Claim
08/17/2010 Based In Part Upon Investment in the Huntsville Loan aka The
West Hills Park Loan [8143]

Status No response filed. The USACM Trust will ask the Court to sustain the objection.

7. Motion to Extend Time Further Extend Deadline to File Objection to Allowance of Claims: 06-10725-lbr USA Commercial Mortgage Company

Filed: Motion to Extend Time Further Extend Deadline to File Objection
08/24/2010 to Allowance of Claims [8154]

Status No response filed. The USACM Trust will ask the Court to grant the Motion.

1 **8. Motion to Approve Settlement Agreement Between the USACM Trust,**
2 **Los Valles Land & Golf, LLC, and Dan S. Palmer, Jr.: Adv: 08-01058-lbr USACM**
3 **Liquidating Trust v. Los Valles Land & Golf, LLC et al (ap) Lead case: 06-10725-lbr**
4 **USA Commercial Mortgage Company**

5 **Filed:** Motion to Approve Settlement Agreement Between the USACM Trust, Los
6 01/13/2010 Valles Land & Golf, LLC, and Dan S. Palmer, Jr. Filed by John Hinderaker on
7 behalf of USACM Liquidating Trust
8 [136]

9 **Filed:** Declaration Of: Geoffrey L. Berman [137]
10 01/13/2010

11 **Filed:** Joint Motion to Seal *Declaration of Dan S. Palmer, Jr.* [138]
12 01/13/2010

13 **Filed:** Order Granting Joint Motion To File Declaration Of DAN S. PALMER, JR.
14 02/02/2010 Under Seal [142]

15 **Filed:** Order Granting Approval Of Settlement Agreement Between USACM
16 02/17/2010 TRUST, LOS VALLES LAND & GOLF, LLC, And DAN S. PALMER, JR.
17 [144]

18 **Filed:** Order Setting Status Hearing. Status hearing to be held on 9/23/2010 at 10:30
19 08/03/2010 AM at LBR-Courtroom 1, Foley Federal Bldg. [146]

20 **Filed** Stipulation to Dismiss with Prejudice and Vacate Hearing [148]
21 9/17/10

22 **Status** The parties have filed a stipulation and order to dismiss this case with
23 prejudice, although the order has not been entered.

1 **9. Status Hearing: USACM Liquidating Trust v. Fertitta Enterprises,**
2 **Inc., Adv. 2:08-01121**

3 **Complaint filed** Complaint filed by USACM Liquidating Trust [1]
4 04/11/08

5 **Order** Order Setting Status Hearing [98]
6 **9/15/10**

7 **Stipulation** Stipulation to Continue
8 **9/20/10**

9 **Status** Parties have reached a settlement in principal and have filed a
10 Stipulation to Continue Status Hearing [100] for thirty days to
11 give the parties time to finalize the terms of the settlement,

12 Dated September 21, 2010.

13 **LEWIS AND ROCA LLP**

14 By: /s/ John Hinderaker, AZ 18024
15 Rob Charles, NV 6593
16 John Hinderaker, AZ 18024 (*pro hac vice*)
17 **PROOF OF SERVICE**
18 Attorneys for USACM Liquidating Trust

19 COPY of the aforementioned sent via e-
20 mail or U.S. First Class Mail postage
21 prepaid on September 21, 2010 to the
22 parties listed on Post-Effective Official
23 Service List for Limited Notice No. 5
24 Dated March 31, 2009.

25 /s/ Leilani Ebanks
26 Leilani Ebanks